

SENATE BILL 4261

By Kilby

AN ACT to amend Chapter 229 of the Acts of 1903; as amended by Chapter 46 of the Private Acts of 1953; Chapter 157 of the Private Acts of 1981; Chapter 137 of the Private Acts of 1990 and Chapter 1 of the Private Acts of 1997; and any other acts amendatory thereto, relative to the charter of the City of Dayton.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 46 of the Private Acts of 1953, as amended Chapter 157 of the Private Acts of 1981, Chapter 137 of the Private Acts of 1990, Chapter 1 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by deleting Section 9 in its entirety and by substituting instead the following:

SECTION 9. Be it further enacted, that the members of the City Council shall hold one (1) or more regular monthly meeting, either on the first Monday of every month or if the first Monday of the month falls within two (2) days of a holiday or if there is a TVPPA, TML, TSBA or other seminar, meeting, or conference pertaining to municipalities, utilities, or school systems that necessitates the attendance of one (1) or more Council Members, then the meeting shall be held on the second Monday of the month or any other day of the week designated by the City Council.

The Council Members on their first meeting following a City election, on the first Monday, or second Monday or any other day of the week designated by the City Council as provided for herein, shall elect one (1) of their number to serve as Vice Mayor of the City Council who shall serve for two (2) years. The Vice Mayor shall serve as Mayor when the Mayor is absent or unable or fails to discharge the duties of the Mayor's office, and, in the case of a vacancy in the office of Mayor, until the office of Mayor is filled pursuant to Section 6 herein.

The Council Member serving as Vice Mayor may resign the position of Vice Mayor, but still retain a Council seat. In this event, the Council Members shall again elect one (1) of their number to serve as Vice Mayor for the remainder of the term.

If the Vice Mayor resigns such Council seat as well as the position of Vice Mayor, then the Council seat shall be filled in accordance with Section 6 of Chapter 46 of the Private Acts of 1953, as amended. In this event, the Council Members shall again elect one (1) of their number to serve as Vice Mayor for the remainder of the term.

SECTION 2. Chapter 46 of the Private Acts of 1953, as amended by Chapter 157 of the Private Acts of 1981, Chapter 137 of the Private Acts of 1990, Chapter 1 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by deleting Section 25 in its entirety and by substituting instead the following:

SECTION 25. Be it further enacted, that all vouchers and checks drawn against the Treasurer or funds of the City shall be signed by the Recorder or the City Manager and countersigned by the Mayor or Vice Mayor of said Council, with the exception of payroll checks which can be signed by any two (2) of the following individuals: Recorder, City Manager, Mayor, and Vice Mayor. Each voucher and check shall specify the particular departmental funds against which it is drawn and shall also designate for what purpose the payment is made.

SECTION 3. Chapter 46 of the Private Acts of 1953, as amended by Chapter 157 of the Private Acts of 1981, Chapter 137 of the Private Acts of 1990, and Chapter 1 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by deleting Section 6 in its entirety and by substituting instead the following:

SECTION 6. On the third Wednesday of April 1997, the Rhea County election commission shall hold an election by the qualified voters of Dayton at which time there shall be elected five (5) Council Members whose term of office shall begin on the first Monday in May 1997. The three (3) persons elected to office and receiving the highest, second highest, and third highest number of votes shall be elected to a term of four (4) years. For the purpose of beginning staggered terms of office, the two (2) persons elected to office and receiving the fourth and fifth highest number of votes shall be

elected to an initial term of two (2) years. Rhea County election commission shall hold an election by the qualified voters of Dayton on the third Wednesday of April, 1999, at which time those council seals initially having a two-year term shall be elected to a four-year term. Thereafter, the Rhea County election commission shall hold an election every two (2) years on the third Wednesday in April by the qualified voters of Dayton. The terms of office for those persons elected to the council shall begin on the first Monday in May following the election.

Beginning with the City election in April 2009, the governing council for the city of Dayton shall consist of a Mayor and four (4) Council Members to be officially known as the "City Council" or "Council." The elective offices of the City of Dayton shall be that of the Mayor and four (4) Council Members to be elected from the City at large by the qualified voters of the City of Dayton and in accordance with the requirements and provisions set forth herein. Any person eligible for the office of Mayor shall have such person's name placed on the ballot as a candidate for the office of Mayor with the Rhea County election commission and shall comply with the laws, rules, and regulations governing elections in the state. Any person placing such person's name on the ballot for the office of Mayor shall not be permitted to also place such person's name on the ballot for a Council seat and any person placing such person's name on the ballot for a Council seat shall not be permitted to place such person's name on the ballot for the office of Mayor. If a Council Member is elected to the office of Mayor, then that Council Member's seat shall be vacated upon the Member's being sworn into the office of Mayor. The person receiving the highest number of votes out of the candidates for the office of Mayor shall be designated the Mayor of the City of Dayton. The two (2) Council seats scheduled for election in April 2009 will be placed on the April 2009 City election and shall be elected for a four-year term as set forth above, with the two (2) persons receiving the highest number of votes being elected to fill the two (2) Council seats. The remaining two (2) Council seats will be placed on the April 2011 City election as scheduled herein and shall be elected for a four-year term, with the two (2) persons receiving the highest number of votes being elected to fill the two (2) Council seats. The

staggered terms of the four (4) Council Members will continue as set forth herein and above. The Mayor shall be elected for a term of four (4) years with the next mayoral election being in April 2013 and every four (4) years thereafter. The powers and duties of the Mayor and the Council Members shall remain unchanged and the same as set forth herein.

In the event of a vacancy occurring in the first or subsequent City Council, including the office of Mayor, such vacancy shall be filled as follows:

If a vacancy occurs and there is less than six (6) months remaining on the unexpired term, then such vacancy shall be filled by the remaining Council Members and such appointed Council Member shall serve the unexpired term of the predecessor in office.

If a vacancy occurs and there is six (6) months or more remaining on the unexpired term, then the remaining Council Members shall by ordinance or resolution call upon the county election commission to call a special election for the purpose of filling such vacancy.

No Council Member shall be appointed under this section at any time when the City Council already has one (1) Council Member so appointed. In the case of any additional vacancy, the City Council shall by ordinance or resolution call upon the county election commission to call a special election for the purpose of filling such additional vacancy.

No person shall be eligible to be elected to the office of Council Member or Mayor unless such person shall have been, for at least one (1) year next preceding the election, a citizen of Tennessee and a resident of the City of Dayton. Further, no person shall be eligible to be elected to the office of Council Member or Mayor unless that person will be at least twenty-five (25) years of age on the date such person is sworn into office.

In all municipal elections held for the City of Dayton, only the following registered qualified persons shall be allowed to vote:

(a) Persons who have lived within the city limits of Dayton for thirty (30) days next preceding the election and who shall be qualified to vote for members of the general assembly.

(b)

(1) Persons residing outside of the city limits of Dayton and meeting the residency requirements prescribed by the election laws of the state and owning at least fifty percent (50%) fee simple interest in real property within the city limits of Dayton at the time of the election and for a continuous period of six (6) months next preceding the date of the election.

(2) For the determination of fifty percent (50%) ownership, a qualified voter must be a registered owner holding at least fifty percent (50%) ownership to be entitled to vote. No more than two (2) voters are allowed per tract or parcel of land.

(c) The qualified voter shall vote in the precinct assigned by the election commission and the voter shall, within the time required for registration of voters on such election obtain a certificate from the City of Dayton stating that the voter is a qualified voter in the upcoming election.

(d) A qualified voter residing outside of the city limits of Dayton shall not be entitled to run for or hold office as to any elective position.

SECTION 4. Chapter 229 of the Acts of 1903, as amended by any other acts amendatory thereto, is hereby amended by deleting Section 7 in its entirety and by substituting instead the following:

SECTION 7. Be it further enacted, that the monthly stipend for the Mayor shall be four hundred seventy-five dollars (\$475) per month and each Council Member shall be four hundred dollars (\$400) per month effective at the beginning of each new term of office, beginning with elections held on April 15, 2011. The compensation of all officers, agents and servants of the municipality shall be fixed by the City Council before the election of the officers, agents or servants, and shall not be changed during any term of

office. The monthly stipend for the Mayor and the Council Members shall terminate upon death, resignation or removal from office.

SECTION 5. Chapter 46 of the Private Acts of 1953, as amended by Chapter 157 of the Private Acts of 1981; Chapter 137 of the Private Acts of 1990, Chapter 1 of the Private Acts of 1997, and any acts amendatory thereto, is amended by deleting Section 4 in its entirety and by substituting instead the following:

SECTION 4. Be it further enacted, beginning with the City election in April 2009, the governing council for the said City of Dayton shall consist of a Mayor and four (4) Council Members to be officially known officially as the "City Council" or "Council." The elective offices of the City of Dayton shall be that of the Mayor and four (4) Council Members to be elected from the City at large and in accordance with the requirements and provisions set forth herein.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Dayton. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Dayton and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.